

SA 6517. Mr. SCHUMER proposed an amendment to amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, supra.

SA 6518. Mr. SCHUMER proposed an amendment to amendment SA 6517 proposed by Mr. SCHUMER to the amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, supra.

SA 6519. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 4926, to amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

TEXT OF AMENDMENTS

SA 6512. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION L—OTHER ENERGY MATTERS TITLE CXXI—MOUNTAIN VALLEY PIPELINE

SEC. 12101. AUTHORIZATION OF MOUNTAIN VALLEY PIPELINE.

(a) FINDING.—Congress finds that the timely completion of the construction of the Mountain Valley Pipeline—

(1) is necessary—

(A) to ensure an adequate and reliable supply of natural gas to consumers at reasonable prices;

(B) to facilitate an orderly transition of the energy industry to cleaner fuels; and

(C) to reduce carbon emissions; and

(2) is in the national interest.

(b) PURPOSE.—The purpose of this section is to require the appropriate Federal officers and agencies to take all necessary actions to permit the timely completion of the construction and operation of the Mountain Valley Pipeline without further administrative or judicial delay or impediment.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) MOUNTAIN VALLEY PIPELINE.—The term “Mountain Valley Pipeline” means the Mountain Valley Pipeline Project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16-10 and CP19-477.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means, as applicable—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior; or

(C) the Secretary of the Army.

(d) AUTHORIZATION OF NECESSARY APPROVALS.—

(1) BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall issue a biological opinion and incidental take statement for the Mountain Valley Pipeline, substantially in the form of the biological opinion and incidental take statement for the Mountain Valley Pipeline issued by the United States Fish and Wildlife Service on September 4, 2020.

(2) ADDITIONAL AUTHORIZATIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act—

(A) the Secretary of the Interior shall issue all rights-of-way, permits, leases, and other authorizations that are necessary for the construction, operation, and maintenance of the Mountain Valley Pipeline, substantially in the form approved in the record of decision of the Bureau of Land Management entitled “Mountain Valley Pipeline and Equitrans Expansion Project Decision to Grant Right-of-Way and Temporary Use Permit” and dated January 14, 2021;

(B) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest as necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline within the Jefferson National Forest, substantially in the form approved in the record of decision of the Forest Service entitled “Record of Decision for the Mountain Valley Pipeline and Equitrans Expansion Project” and dated January 2021;

(C) the Secretary of the Army shall issue all permits and verifications necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline across waters of the United States; and

(D) the Commission shall—

(i) approve any amendments to the certificate of public convenience and necessity issued by the Commission on October 13, 2017 (161 FERC 61,043); and

(ii) grant any extensions necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline.

(e) AUTHORITY TO MODIFY PRIOR DECISIONS OR APPROVALS.—In meeting the applicable requirements of subsection (d), a Secretary concerned may modify the applicable prior biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization described in that subsection if the Secretary concerned determines that the modification is necessary—

(1) to correct a deficiency in the record; or

(2) to protect the public interest or the environment.

(f) RELATIONSHIP TO OTHER LAWS.—

(1) DETERMINATION TO ISSUE OR GRANT.—The requirements of subsection (d) shall supersede the provisions of any law (including regulations) relating to an administrative determination as to whether the biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.

(2) SAVINGS PROVISION.—Nothing in this section limits the authority of a Secretary concerned or the Commission to administer a right-of-way or enforce any permit or other authorization issued under subsection (d) in accordance with applicable laws (including regulations).

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—The actions of the Secretaries concerned and the Commission pursuant to subsection (d) that are necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline shall not be subject to judicial review.

(2) OTHER ACTIONS.—The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over—

(A) any claim alleging—

(i) the invalidity of this section; or

(ii) that an action is beyond the scope of authority conferred by this section; and

(B) any claim relating to any action taken by a Secretary concerned or the Commission relating to the Mountain Valley Pipeline other than an action described in paragraph (1).

SA 6513. Mr. SCHUMER (for Mr. MANCHIN) proposed an amendment to

the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end, add the following:

DIVISION L—OTHER ENERGY MATTERS TITLE CXXI—BUILDING AMERICAN ENERGY SECURITY ACT OF 2022

SEC. 12101. SHORT TITLE.

This title may be cited as the “Building American Energy Security Act of 2022”.

Subtitle A—Accelerating Agency Reviews

SEC. 12111. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term “agency” means any agency, department, or other unit of Federal, State, local, or Tribal government.

(2) ALASKA NATIVE CORPORATION.—The term “Alaska Native Corporation” has the meaning given the term “Native Corporation” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(3) AUTHORIZATION.—The term “authorization” means any license, permit, approval, finding, determination, interagency consultation, or other administrative decision that is required or authorized under Federal law (including regulations) to design, plan, site, construct, reconstruct, or commence operations of a project, including any authorization described in section 41001(3) of the FAST Act (42 U.S.C. 4370m(3)).

(4) COOPERATING AGENCY.—The term “cooperating agency” means any Federal agency (and a State, Tribal, or local agency if agreed on by the lead agency), other than a lead agency, that has jurisdiction by law or special expertise with respect to an environmental impact relating to a project.

(5) ENVIRONMENTAL DOCUMENT.—The term “environmental document” includes any of the following, as prepared under NEPA:

(A) An environmental assessment.

(B) A finding of no significant impact.

(C) An environmental impact statement.

(D) A record of decision.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” means the detailed statement of environmental impacts of a project required to be prepared under NEPA.

(7) ENVIRONMENTAL REVIEW PROCESS.—The term “environmental review process” means the process for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document required to be prepared to achieve compliance with NEPA, including pre-application consultation and scoping processes.

(8) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

(9) LEAD AGENCY.—The term “lead agency”, with respect to a project, means—

(A) the Federal agency preparing, or assuming primary responsibility for, the authorization or review of the project; and

(B) if applicable, any State, local, or Tribal government entity serving as a joint lead agency for the project.

(10) NEPA.—The term “NEPA” means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including NEPA implementing regulations).

(11) NEPA IMPLEMENTING REGULATIONS.—The term “NEPA implementing regulations” means the regulations in subpart A of chapter V of title 40, Code of Federal Regulations (or successor regulations).

(12) PARTICIPATING AGENCY.—The term “participating agency” means an agency participating in an environmental review or authorization for a project.